

REMARKS/ARGUMENTS

In the Office action dated October 5, 2007, claims 1, 2, 4, 5, 7, 10 – 12, 14 – 18, 20 – 22, and 24, 26, and 28 were rejected. Additionally, claims 25, 27, and 29 were objected to. In response, Applicant has amended claims 1, 4, 7, 10, 12, 14, 16, 20, 22, 25, 27, and 29 and canceled claims 24, 26, and 28. Applicant respectfully requests reconsideration of the application in view of the amended claims and the below provided remarks.

Allowable Subject Matter

Claims 25, 27, and 29 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not rewritten the claims at this time in view of the below provided remarks.

§ 103 Rejections

Claims 1, 2, 5, 11, 12, 15, 17, 18, and 21 are rejected action under 35 U.S.C. § 103(a) as being unpatentable over Kobachi et al. (U.S. Patent No. 6,326,948, hereinafter “Kobachi”) in view of Drake (U.S. Pat. No. 7,046,229). Claims 7, 10, 16, 22, 24, 26, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobachi in view of Drake and further in view of Gordon et al. (U.S. Patent No. 6,057,540, hereinafter “Gordon”) and Bynum et al. (U.S. Pat. Pub. No. 2006/0028442, hereinafter “Bynum”).

Claim 1

Claim 1 has been amended to incorporate the limitations of claim 24, to particularly point out that the captive disc is proximal to a focal plane below the rest plane “in response to finger pressure,” and to particularly point out that the captive disc is released from the focal plane “by the removal of the finger pressure.” Support for the amendments is found, for example, at paragraphs [0035] – [0037] and Fig. 2B of Applicant’s specification. As amended, claim 1 recites:

“An input device comprising:

a captive disc movably suspended over a sensor, said captive disc having an active surface facing said sensor, the active surface having a predetermined pattern;

wherein said sensor is adapted to take successive images of the predetermined pattern of the active surface of said captive disc and compare the successive images of the predetermined pattern to determine movement of said captive disc;

a horizontal spring allowing resistive movement of said captive disc in horizontal directions; and

a vertical spring allowing resistive movement of said captive disc in vertical directions;

wherein;

the horizontal spring returns said captive disc to a horizontal rest position when said captive disc is released;

the vertical spring returns said captive disc to a rest plane when said captive disc is released;

said sensor determines the movement of said captive disc by taking the successive images of the active surface when said captive disc, ***in response to finger pressure***, is proximal to a focal plane ***below the rest plane*** so that the active surface is in focus for said sensor; and

said sensor does not determine the movement of said captive disc when said captive disc ***is released, by removal of the finger pressure, from the focal plane*** so that the active surface becomes out of focus for said sensor.” (emphasis added)

The limitations of claim 24, as previously presented, are rejected in view of Bynum. In particular, Bynum is cited for teaching the movement control limitations of claim 24 as previously presented. Applicant asserts that a *prima facie* case of obviousness has not been established because Bynum does not teach or suggest the limitations of amended claim 1 for which it was cited.

Bynum is cited for teaching at Fig. 3 that movement is tracked when the dome is in its rest plane (i.e., when the dome is not deflected in response to finger pressure). In contrast to Bynum, claim 1 recites that movement of the captive disc is determined when the captive disc is “***below the rest plane***” “***in response to finger pressure***.” That is, Bynum teaches that the absence of finger pressure leaves the dome in the rest plane where movement is tracked while amended claim 1 recites that finger pressure causes the captive disc to be below the rest plane where movement is tracked. These two concepts are in opposite to each other. Because Bynum teaches that movement is tracked when the dome is in its rest plane (i.e., when the dome is not deflected in response to finger pressure), while claim 1 recites that movement is determined when the captive disc is “below the rest plane” “in response to finger pressure,” Applicant asserts that a *prima facie* case of obviousness has not been established.

Additionally, Bynum is cited for teaching at Fig. 19 that finger pressure causes the dome to move below the focal plane. That is, the application of finger pressure causes the dome to move below the focal plane. In contrast to Bynum, claim 1 recites that the captive disc is released

from the focal plane “by removal of the finger pressure.” While Bynum teaches that the application of finger pressure causes movement out of the focal plane, claim 1 recites that the removal of finger pressure causes movement out of the focal plane. These two concepts are in opposite to each other. Because Bynum teaches that finger pressure causes the dome to move below the focal plane while claim 1 recites that the captive disc is released from the focal plane “by removal of the finger pressure,” Applicant asserts that a *prima facie* case of obviousness has not been established.

Dependent Claims 2, 4, 5, 7, 10, 11, and 25

Claims 2, 4, 5, 7, 10, 11, and 25 depend from amended claim 1 and are patentable for at least the same reasons as amended claim 1.

Independent Claims 12 and 17

Applicant has amended independent claims 12 and 17 similarly to amended claim 1, including incorporating the limitations of claims 26 and 28, respectively. Accordingly, Applicant asserts that amended claims 12 and 17 are patentable for at least the same reasons as amended claim 1.

Dependent Claims 14 – 16, 18, 20 – 22, 27, and 29

Claims 14 – 16, and 27 depend from amended claim 12 and claims 18, 20 – 22, and 29 depend from amended claim 17. Applicant asserts that these claims are patentable for at least the same reasons as amended claims 12 and 17.

For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 1, 2, 4, 5, 7, 10 – 12, 14 – 18, 20 – 22, 25, 27, and 29. Should the Examiner have any questions, please call the undersigned at (925) 249-1300.

Respectfully submitted,

/mark a. wilson/

Mark A. Wilson January 7, 2008
Attorney for Applicant(s)
Reg. No. 43,994

Wilson & Ham
PMB: 348, 2530 Berryessa Road
San Jose, California 95132
Phone: 925-249-1300